

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
October 19, 2003
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: yes

Call to Order: Meeting was called to order at 9:43 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Treasurer Alice Yellowbank, Secretary Dexter McNamara, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Council Absent: None

Legal Staff Present: A. Maldonado, Tribal Attorney

Staff Present: See Attached list

Guests: See attached list

Opening Ceremony – Carol McFall

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to adopt the agenda as amended for October 19, 2003.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to approve the minutes of October 5, 2003 as corrected.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Secretary Dexter McNamara to accept the Tribal Administrator's verbal and written report for October 19, 2003.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Regina Gasco Bentley to approve the proposal submitted by the Tribal Administrator authorizing the hiring of Non-Indians on a contractual basis, with a maximum term of two years, the contract may be renewed provided a continuous effort to recruit qualified Indians was maintained through the original contract.

10:19 a.m. Recess called

10:24 a.m. Meeting reconvened

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to authorize Tribal members to gather downed wood from the debris pile near the Pow-wow grounds for Tribal member use, not for resale.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Regina Gasco Bentley to use the kitchen and commons area at the Administration Building for the Three Kings Supper on January 6th every year.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to assign the LTBB Construction Project Administration duties to Deputy Planner, Susan Wysocki.

Motion withdrawn

11:22 a.m. Recess called

11:31 a.m. Meeting reconvened

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr. to direct the Tribal Administrator to strictly enforce the Tribal Preference Law currently on the books by the strongest means available.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to direct the CFO to conduct a financial impact study on the Indian Only Hiring policy to be completed as soon as is reasonably possible to be presented to Council.

Vote: 5 Yes, 2 No (Treasurer Alice Yellowbank, Councilor Fred Harrington, Jr.)
0 Absent, 0 Abstained

Motion carried

11:47 a.m. Public Comment: Beverly Wemigwase, Askigabash Gigiado of Great Grandfather Chief Greenleaf), Bea Law, Yvonne Salgat, Harvey Gibson, Ken Harrington

12:02 p.m. Public Comment closed

12:03 p.m. Lunch recess

1:47 p.m. Meeting reconvened

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the verbal and written report of the Gaming Administration as presented by Sheran Patton, General Manager Ron Olson and CFO Barry Crowell on October 19, 2003.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

2:25 p.m. Councilor Rita Shananaquet leaves
2:28 p.m. Councilor Rita Shananaquet returns

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the verbal and written report given by Chairwoman Cheryl Kishigo of the Economic Development Commission on October 19, 2003.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice Chairperson Beatrice A. Law to approve the budget modification for \$5,745.00 for the Economic Development Commission to come from the general fund as presented in the Quarterly Report on October 19, 2003 by Cheryl Kishigo, EDC Chairwoman.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion carried

2:54 p.m. Secretary Dexter McNamara leaves
2:58 p.m. Secretary Dexter McNamara returns

Motion made by Councilor Rita Shananaquet and supported by Vice Chairperson Beatrice A. Law to accept the Housing Commission verbal report for October 19, 2003 presented by Ken Harrington.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the verbal and written Indian Child Welfare Commission quarterly report given by Chairperson Rochelle Ettawageshik on October 19, 2003.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion carried

3:10 p.m. Recess called
3:21 p.m. Meeting reconvened

Motion made by Councilor Rita Shananaquet and supported by Treasurer Alice Yellowbank to accept the verbal and written quarterly report on October 19, 2003 from Natural Resource Commissioner Daughtery Johnson III.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank that the Tribal Council fund the Falmouth Institute training on "Indian Hunting and Fishing Rights" for up to 15 participants, for the amount of \$5,550.00, the time to be scheduled and organized by Natural Resources

Department to come from the Government Operations Tribal Council line item 9910-01-5310 for Training.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the verbal and written quarterly report from the Regulatory Commission given by the Chairperson Julie Carver on October 19, 2003.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

4:00 p.m. Public Comment: Sharon Sierzputowski, Shirley Oldman, Dorothy Boda, Sheran Patton, Rita Shananaquet

4:08 p.m. Public Comment Closed

4:16 p.m. Councilor Rita Shananaquet leaves

4:17 p.m. Councilor Rita Shananaquet returns

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr. to accept the verbal and written report given for the Trust Fund Board by Ken Harrington on October 19, 2003.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Rita Shananaquet to enter into record the Treasurers report for October 19, 2003 presented by CFO, Valerie Tweedie.

Motion withdrawn

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr. to accept the Treasurer's Report written and presented by Mel Kiogima October 19, 2003.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Tribal Chairman's verbal and written report for October 19, 2003.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice Chairperson Beatrice A. Law to donate \$1,500.00 to National Congress of American Indians to come from the donations line item 9950-00-5560.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice Chairperson Beatrice A. Law to approve resolution #101903-01, ITC Application for Community Service Block Grant.

Roll call vote: Chairman Frank Ettawageshik-yes Vice Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Legal Department verbal report given October 19, 2003 by Counselor Allie Greenleaf Maldonado.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to support the travel expenses for the sons of Taimi Hoag to attend the 1st Annual Presentation of the Taimi Lynn Hoag Environmental Stewardship Award in Chicago on December 3, 2003 not to exceed \$1,500.00 to come from 9950-00-5560.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to direct the Legal Department to write an amendment to the Gaming Regulatory Ordinance to disallow Tribal Government employees to serve on Gaming Regulatory Commission and to submit it to Tribal Council within a reasonable time.

Support withdrawn, new support Councilor Regina Gasco Bentley.

Vote: 2 Yes, 5 No (Chairman Frank Ettawageshik, Vice Chairperson Beatrice A. Law, Councilor Rita Shananaquet, Secretary Dexter McNamara, Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

Motion fails

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr. to raise the stipend for Commissions, Boards and Committees from \$75.00 to \$100.00 to commence FY 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

5:47 p.m. Recess called

5:56 p.m. Meeting reconvened

Councilor Fred Harrington, Jr. departed during the recess

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley to donate \$1,200.00 to the Leh-Nah-Weh Native American

Organization for the Adrian Pow-wow to sponsor Men's and Women's 50+ category to come from 9930-00-5570 Cultural line item.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to donate \$3,000.00 to come from 9930-00-5570 Cultural line item to help fund the Native American Arts and Culture History Program at Beaver Island Lighthouse School.

Vote: 5 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 1 Abstained (Chairman Frank Ettawageshik)

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to make a budget modification increase of \$4,000.00 to the Tribal Court budget to come from 9930-00-5570 Cultural line item for the Cultural Immersion Event.

Vote: 5 Yes, 1 No (Councilor Rita Shananaquet), 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to approve Burial Fund request #A0062 in the amount of \$3,371.29.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained

Motion carried 0

Motion made by Vice Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to approve the movement of DEM fees from 9920-5965-01 to the Wah-Wahs-Noo-Da-Ke drainage capital project fund, appropriate an additional \$54,000.00 from the general fund, and approve the revised budget mod #1 for a new total budget for the project of \$303,420.00.

Vote: 5 Yes, 1 No (Councilor Rita Shananaquet), 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained

Motion carried

Motion made by Secretary Dexter McNamara and supported by Vice Chairperson Beatrice A. Law to authorize any Tribal Councilors who are interested to attend the National Congress of American Indians Executive Council Winter Session, February 23 through 25, 2004 to include travel/lodging and per diem.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to hold a special work session at 10:00 a.m. on November 7, 2003 with MIS for computer laptop training with Tribal Council to include travel, per diem and lodging.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained
Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to change the November 8th work session from MIS to Gaming Administration from 10:00 a.m. to 12:00 noon and to notify the Gaming Administration Chairperson.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley to schedule a special work session for October 31, 2003 and a work session for November 1, 2003 from 10:00 a.m. – 4:00 p.m. for Personnel Policies to include travel, per diem and lodging.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained
Motion carried

7:06 p.m. Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to go into Executive Session for Legal.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained
Motion carried

7:45 p.m. Motion made by Councilor Regina Gasco Bentley and supported by Councilor Rita Shananaquet to return to Open Session.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained
Motion carried

7:46 p.m. Recess called

7:56 p.m. Meeting reconvened

7:57 p.m. Motion made by Councilor Rita Shananaquet and supported by Vice Chairperson Beatrice A. Law to go into Executive Session for Legal.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained
Motion carried

8:10 p.m. Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley to return to Open Session.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice Chairperson Beatrice A. Law to appoint General Counsel to represent the Tribal Administrator, Albert Colby, Jr. and Human Resources Director, Yvonne Salgat in the case of LaCroix vs. Colby/Salgat.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained
Motion carried

8:15 p.m. Motion made by Councilor Regina Gasco Bentley and supported by Councilor Rita Shananaquet to go into Executive Session for Land.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained

Motion carried

8:44 p.m. Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to return to Open Session.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to authorize the Chairman, the Treasurer and Legal to pursue Land Acquisition #8 as presented by the Legal Department subject to the CFO's certification of availability of funds.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley to adjourn.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Fred Harrington, Jr.), 0 Abstained

Motion carried

Adjourned at 8:50 p.m.

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date